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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,920	11/28/2001	Bruce Arthur Lueckenhoff	CIS01-17(4404)	1152

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EXAMINER	
DOAN, DUYEN MY	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/995,920	LUECKENHOFF, BRUCE ARTHUR	
	Examiner	Art Unit	
	Duyen M. Doan	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-18,21,23-38 and 41-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-18,21,23-38,41-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the submission filed on 7/10/06. Claims 1,3-18,21,23-38,41-42 are presented examination. Claims 43-44 are newly added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3-18,21,23-38,41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al (us 2001/0042201) (hereinafter Yamaguchi) in view of Naudus et al (us pat 6,292,839).

As regarding claim 1, Yamaguchi discloses detecting an initial request at the beginning tunneling device (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75; also see fig.1, receive the request from computer 101 at gateway 102); identifying the initial request as a candidate to be converted to a tunneling request (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75; also see fig.1, determine whether to perform IPSEC); wherein the identifying further comprises at least one of detecting that a destination address in the initial request is for a destination device associated with an end tunneling device, identifying any initial request received that has a particular source address as being designated to become a

tunneling request, and interpreting information from an initial header in order to identify that the initial request is intended to be a tunneling request (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75; also see fig.1, using the destination in the packet header to determine whether to perform the IPSEC); and forwarding the tunneling request towards an end tunneling device (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75; also see fig.1. after perform IPSEC at gateway 102, forward to gateway 103).

Yamaguchi does not implicitly disclose modifying at least one indicator of an initial header in the initial request to convert the initial request into the tunneling request.

Naudus teaches modifying at least one indicator of an initial header in the initial request to convert the initial request into the tunneling request (see Naudus col.4, lines 58-67; col.5, lines 1-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Naudus to the method of Yamaguchi because by modify the header to convert to tunneling request would help send the data packet over the communication channel via a hidden virtual tunnel and providing a reflexive tunneling with hidden virtual tunnel (see Naudus col.2, lines 34-45).

As regarding claim 3, Yamaguchi-Naudus discloses setting a protocol indicator in the initial header to a value indicating that the initial request is a tunneling request (see Yamaguchi, pg.1, par5).

As regarding claim 4, Yamaguchi-Naudus discloses replacing a destination address of a destination device in the initial header with an end tunneling address of an end

tunneling device to produce a tunneling header (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75).

As regarding claim 5, Yamaguchi-Naudus discloses specifying a destination code within the tunneling header for at least one of a plurality of destination addresses of destination devices served by the end tunneling device (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75).

As regarding claim 6, Yamaguchi-Naudus discloses generating a destination code to designate a destination address served by the end tunneling device; and storing the destination code in a fragment offset field of an IP header of the tunneling request (see Yamaguchi pg.7, par 94-99; pg.5, par 72, 75).

As regarding claim 7, Yamaguchi-Naudus discloses setting an error correction code in the tunneling header to reflect modifications made to convert the initial header to the tunneling header (see Naudus col.4, lines 58-67; col.5, lines 1-22). The same motivation was utilized in claim 1 applied equally well to claim 7.

As regarding claim 8, Yamaguchi-Naudus discloses setting a protocol indicator in the initial header to a value indicating that the initial request is a tunneling request (see pg.7, par 94-99; pg.5, par 72, 75); replacing a destination address in the initial header with an address of an end tunneling device (see pg.7, par 94-99; pg.5, par 72, 75); and setting an error correction code in the tunneling header to reflect modifications made to the initial header (see Naudus col.4, lines 58-67; col.5, lines 1-22). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Yamaguchi-Naudus discloses wherein the initial request and the tunneling request are the same size (see Naudus col.4, lines 58-67; col.5, lines 1-22, Naudus method for tunneling is only modify the original packet's header, not adding any additional field to the original header). The same motivation was utilized in claim 1 applied equally well to claim 9.

As regarding claim 10, Yamaguchi-Naudus discloses the initial request and the tunneling request include respective initial headers and tunneling headers of the same size (see Naudus col.4, lines 58-67; col.5, lines 1-22, Naudus method for tunneling is only modify the original packet's header, not adding any additional field to the original header). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Yamaguchi-Naudus discloses the initial request is a full initial request and wherein the full initial request can be fully converted into a single tunneling request (see Naudus col.4, lines 58-67; col.5, lines 1-22). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claims 12-18, the method of claims 12-18 is reverse process of claims 1, 3-11, If Yamaguchi and Naudus can perform the method of claims 1, 3-11, it is obvious to do the reverse process of claims 1, 3-11. Therefore claims 12-18 is rejected for the same rationale of claims 1, 3-11.

As regarding claims 21,23-31, the limitations are similar to claims 1, 3-11, therefore rejected for the same rationale as claims 1,3-11.

As regarding claims 32-38, the limitations are similar to claims 12-18, therefore rejected for the same rationale as claims 12-18.

As regarding claims 41-42, the limitations are similar to claims 1, 3-11, therefore rejected for the same rationale as claims 1,3-11.

Claims 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al (us 2001/0042201) (hereinafter Yamaguchi) in view of Naudus et al (us pat 6,292,839) as applied to claims 1 and 12 respectively, and further in view of Sturges et al (us 2002/0114274) (hereinafter Sturges).

As regarding claims 43 and 44, Yamaguchi-Naudus disclose the invention substantially as claimed in claims 1 and 12, but the combination fails to disclose modify the payload of the initial header to convert the initial request to a tunneling request.

However, Sturges teach changing the payload during transmission (see Sturges page.5, par 0038).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Sturges to the method of Yamaguchi-Naudus to change to payload, because by changing the payload would allow adjusting to network congestion (see Sturges pg.5 par 0038).

Response to Arguments

As regard to applicant argument that "the previous office action should not make final..." Examiner agrees with the applicant and withdrawing the finality of the last office action.

As regard to applicant argument that Yamaguchi fail to disclose "identify the request as a candidate to be converted to a tunneling request..." Examiner respectfully disagrees, Yamaguchi describes using the information in the header to decide whether the IPSEC processing is performed or not, applicant alleges that IPSEC is not the same as tunneling request, however, applicant does not specifically describe what is the "tunneling request" in the claim. Applicant may call it "Tunneling request", others may call it "IPSEC", and the concept of forming one request to another request is clearly taught by Yamaguchi. Moreover, a person with ordinary skill in the networking art would know that tunnels are used by Ipsec as well as by other network security techniques to provide a secure exchange over a path through a non-secure network such as internet, thereby creating a VPN (virtual private network) as is well know in the networking art.

As regard to applicant argument that "Yamaguchi and Naudus are classified in different class, therefor should not be combine" examiner respectfully disagrees, even though Yamaguchi and Naudus references are being classified in different classes, however, both Yamaguchi and Naudus inventions are concerned with network security, therefor, one with ordinary skill in the art would combine these two references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143

WILLIAM VAUGHN
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